

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED
8/3/23 10:00 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN RE:

MARK PHILLIPS, JR. and AMANDA
PHILLIPS,

Debtor.

Chapter 13

Case No. 22-22159 (GLT)

EQT PRODUCTION COMPANY,

Movant,

v.

MARK PHILLIPS, JR. and AMANDA
PHILLIPS,

Respondents.

Related to Dkt. No. 59

**ORDER GRANTING MOTION OF EQT PRODUCTION COMPANY
FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO
11 U.S.C. § 362(d) AND BANKRUPTCY RULE 4001(a)**

Upon the *Motion of EQT Production Company for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d) and Bankruptcy Rule 4001(a)* (the “Motion”);¹ and the Court having reviewed the Motion, the Peck Declaration, and the *Settlement and Certification of Counsel Regarding Motion of EQT Production Company for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d) and Bankruptcy Rule 4001(a)*; and the Court finding that: (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409; (iv) notice of the Motion and the hearing thereon was sufficient under the circumstances; and

¹ Capitalized terms used but not defined in this order have the meanings given in the Motion.

(v) the legal and factual bases set forth in the Motion and the Peck Declaration establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is GRANTED as set forth herein.
2. Pursuant to section 362(d) of the Bankruptcy Code, to the extent applicable, the automatic stay shall be, and hereby is, modified such that EQT may exercise any and all rights and remedies that it may have under the Subrogation Clause of the Lease, including but not limited to (i) directing royalties, including the Suspended Royalties, to payment of the PNC Mortgage, (ii) using EQT's own funds to pay PNC's claim against the Debtors and satisfy the PNC Mortgage, and thereupon become subrogated to the rights of PNC, and (iii) directing Future Royalties to the payment of, or offsetting Future Royalties against, EQT's resulting subrogation claim (the "Subrogation Claim").
3. Commencing with the calendar quarter ending September 30, 2023, and continuing until the earlier of the calendar quarter during which (a) the Subrogation Claim is satisfied in full or (b) the Lease expires or is otherwise terminated, EQT shall provide the Debtors, no later than 30 days after the end of each calendar quarter, a quarterly statement summarizing (i) the beginning balance of the Subrogation Claim, (ii) the royalties that became due and payable under the Lease, (iii) application of the same to the Subrogation Claim, and (iv) the ending balance of the Subrogation Claim.
4. The Subrogation Claim shall not accrue interest, nor shall EQT seek payment of interest from the Debtors on account of the Subrogation Claim.
5. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and/or interpretation of this Order.

Submitted by: Luke A. Sizemore

DATED this 3rd day of August, 2023.


The Honorable Gregory L. Taduno
Chief United States Bankruptcy Judge

Case Administrator to serve:

Debtor

Scott Lowden, Esq.

Luke Sizemore, Esq.

In re:
Mark Phillips, Jr.
Amanda Phillips
Debtors

Case No. 22-22159-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Aug 03, 2023

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 05, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ Mark Phillips, Jr., Amanda Phillips, 1670 Pleasant Grove Road, Claysville, PA 15323-1097

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 05, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 3, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
David A. Rice	on behalf of Debtor Mark Phillips Jr. ricelaw1@verizon.net, lowdenscott@gmail.com
David A. Rice	on behalf of Joint Debtor Amanda Phillips ricelaw1@verizon.net lowdenscott@gmail.com
Luke A. Sizemore	on behalf of Interested Party EQT Production Company lsizemore@reedsmith.com lucas@reedsmith.com;bankruptcy-2628@ecf.pacerpro.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov

District/off: 0315-2

User: auto

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Date Rcvd: Aug 03, 2023

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Ronda J. Winnecour

cmechf@chapter13trusteedpa.com

Scott R. Lowden

on behalf of Debtor Mark Phillips Jr. lowdenscott@gmail.com

Scott R. Lowden

on behalf of Joint Debtor Amanda Phillips lowdenscott@gmail.com

TOTAL: 8